

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**JAMES W. MORRIS,
Plaintiff,**

vs.

**BBVA COMPASS f/k/a COMPASS BANK,
Defendant.**

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**Civil Action No.
3:11-CV-01148-M**

AFFIDAVIT OF WALKER M. DUKE

STATE OF TEXAS

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COUNTY OF DALLAS

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BEFORE ME, the undersigned notary, on this day, personally appeared WALKER M. DUKE, a person whose identity is known to me. After I administered an oath to him, upon oath, he said:

1. “My name is WALKER M. DUKE. I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. “I am counsel for record for Plaintiff James W. Morris in the above-styled cause. I hereby certify I sent notice via email to counsel for Defendant BBVA Compass at 8:28 p.m. on October 6, 2011, advising that Plaintiff would be seeking a temporary restraining order enjoining his eviction from the property at 4115 La Place Drive, Dallas, Dallas County, Texas. I received a “Read Receipt” email back from counsel for Defendant BBVA at 8:54 p.m, indicating that he had received my email. My email indicated that I would seek a ruling from the Court on the morning of Friday, October 6, 2011, as Plaintiff will be at risk of eviction by 4:58 p.m. on October 6, 2011.

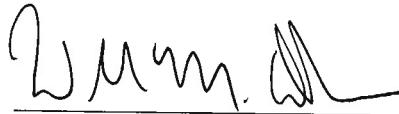
3. Further notice to opposing counsel before ruling on Plaintiff’s Application for Temporary Restraining Order is not needed because of the immediate harm in which Plaintiff is in danger. The 24-Hour Notice to Vacate informs Plaintiff that a moving crew may be present at his house within 24 hours of the posting of the Notice to remove him and his belonging.

4. Additionally, Plaintiff’s Application for Temporary Restraining Order was electronically filed, so all counsel of record may access the document immediately.

5. Attached to Plaintiff’s Application as Exhibit A is a true and correct copy of the Deed to Plaintiff’s property, personally taken from the Dallas County Clerk’s public access website ROAM by me. Exhibits B, C, D, E, and F are true and correct copies of documents that

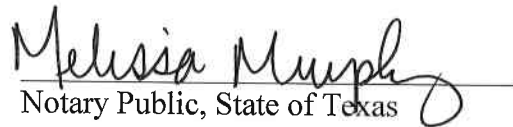
accompanied Defendant's previous court filings in Dallas County justice of the peace, county court at law, and district court. Exhibits G and H are true and correct copies of the press release and "Transaction Agreement" concerning BBVA's acquisition of Compass Bancshares, Inc., which were personally taken from Defendant BBVA's website by me."

Further Affiant sayeth not.



WALKER M. DUKE

SUBSCRIBED and SWORN TO BEFORE ME on the 6th day of October, 2011, to certify which witness my hand and seal of office.


Notary Public, State of Texas

[SEAL]



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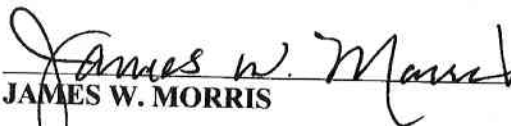
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BEFORE ME, the undersigned notary, on this day, appeared JAMES W. MORRIS, a person whose identity is known to me. After I administered an oath to him, upon oath, he said:

1. "My name is JAMES W. MORRIS. I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. "I currently reside at 4115 La Place Drive in Dallas, Dallas County, Texas. On October 6, 2011, a 24-Hour Notice to Vacate was delivered to my house at 4:57 p.m. by or on behalf of the Dallas County Constable, advising me that a moving crew will be at the property as early as within 24 hours to remove the occupants and their property."

Further Affiant sayeth not.


JAMES W. MORRIS

SUBSCRIBED and SWORN TO BEFORE ME on the 6th day of October, 2011, to certify which witness my hand and seal of office.



[SEAL]


Notary Public, State of Texas